

PLANT PATENT APPLICATION TRANSMITTAL (Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
ANTHT.65396Total Pages in this Submission
17TO THE COMMISSIONER FOR PATENTS

Mail Stop Patent Application

P.O. Box 1450

Alexandria, VA 22313-1450

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new plant patent application for an invention entitled (include plant's name):

VARIETY OF DAYLILY PLANT NAMED 'BERSTEL'

and invented by:

Leo Berbee

22278 U.S.PTO
10/789483

022704

If a CONTINUATION APPLICATION, check appropriate box and supply the requisite information:

Continuation Divisional Continuation-in-part (CIP) of prior application No.: _____

Which is a:

Continuation Divisional Continuation-in-part (CIP) of prior application No.: _____

Which is a:

Continuation Divisional Continuation-in-part (CIP) of prior application No.: _____

Enclosed are:

Application Elements

1. Filing fee
2. Specification having 9 page(s)
and including the following:

- Descriptive title of the Invention (*with Plant's name*)
- Cross References to Related Applications (*if applicable*)
- Statement Regarding Federally-sponsored Research/Development (*if applicable*)
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings
- Detailed Botanical Description
- Claim (only one (1) permitted MPEP 1605)
- Abstract of the Disclosure

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17

Application Elements (Continued)

3. Drawing(s) in duplicate (*as prescribed by 35 USC 165 and 37CFR 1.165(b)*)

Drawings: Color Black and white
 Photographs: Color Black and white

Total Sheets: 3 (+ copies)

4. Oath or Declaration

- a. Newly executed (original or copy) Unexecuted
b. Copy from a prior application (37 CFR 1.63(d)) (*for continuation/divisional application only*)
c. With Power of Attorney Without Power of Attorney
d. **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application,
see 37 C.F.R. 1.63(d)(2) and 1.33(b).

5. Incorporation By Reference (*usable if Box 4b is checked*)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

Accompanying Application Parts

6. Plant Color Coding Sheet
7. Assignment Papers (cover sheet & document(s))
8. 37 CFR 3.73(b) Statement (*when there is an assignee*)
9. English Translation Document (*if applicable*)
10. Information Disclosure Statement/PTO-1449 Copies of IDS Citations
11. Preliminary Amendment
12. Acknowledgment postcard
13. Certificate of Mailing
 First Class Express Mail (*Specify Label No.*): EV 320199725 US
14. Certified Copy of Priority Document(s) (*if foreign priority is claimed*)
15. Verified Statement(s) to Establish Small Entity Status Under 37 C.F.R. 1.9 and 1.27.

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17

Accompanying Application Parts (Continued)

16. Additional Enclosures (*please identify below*):

Fee Calculation and Transmittal

The filing fee for this plant patent application is calculated and transmitted as follows:

	BASIC FEE	\$265.00
OTHER FEE (specify purpose)		\$0.00
	TOTAL FILING FEE	\$265.00

- A check in the amount of _____ to cover the total filing fee is enclosed.
- The Director is hereby authorized to charge and credit Deposit Account No. **21-0800** as described below.
- Charge the amount of _____ as filing fee.
- Credit any overpayment.
- Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: February 27, 2004



Signature

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cc:

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)Applicant(s): **Leo Berbee**

Docket No.

ANTHT.65396Serial No.
TBAFiling Date
February 27, 2004Examiner
TBAGroup Art Unit
TBA

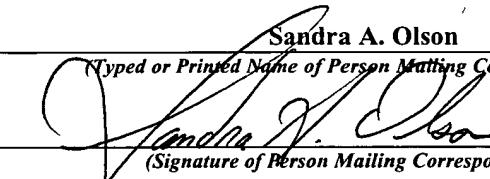
Invention:

VARIETY OF DAYLILY PLANT NAMED 'BERSTEL'

I hereby certify that the following correspondence:

New Plant Patent Application*(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

February 27, 2004*(Date)***Sandra A. Olson***(Typed or Printed Name of Person Mailing Correspondence)*
*(Signature of Person Mailing Correspondence)*EV 320199725 US*("Express Mail" Mailing Label Number)*

Note: Each paper must have its own certificate of mailing.